COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

INCIDENT:	**On-duty hit shooting, suspect injured**
IAB FILE NUMBER(S):	**SH 2369362**
URN#:	**014-09912-0334-055**
DATE/TIME:	**October 29, 2014, 1413 hours**
LOCATION:	**[redacted] West 164th Street, Lawndale**

SYNOPSIS

On Wednesday, October 29, 2014, an Internal Affairs Bureau (IAB) team comprised of Lieutenant Todd Weber, Sergeant Brenda Gibson, and Sergeant David Ladjevic responded to a command post at South Los Angeles Station, regarding an on-duty hit shooting. Suspect Travis Herr sustained three gunshot wounds to his upper left chest area, a superficial grazing wound to his right thigh and gunshot wounds to his left shin area. He was subsequently transported to Harbor General UCLA Medical Center where he was treated for his injuries. Deputies were not injured during the incident.

Internal Affairs Bureau Lieutenant Todd Weber verified that the South Los Angeles Station Watch Commander, Sergeant Nicole Zonver, took reasonable steps to ensure the involved personnel and witness personnel did not discuss the incident among themselves or with uninvolved persons prior to being interviewed by the assigned investigators. Lieutenant Weber also ensured that Sergeant Zonver knew the involved personnel and witness personnel should not collectively consult with their representative. In addition, IAB Lieutenant Todd Weber confirmed the watch commander attempted to have the involved and witness personnel gather in the company of a supervisor until they had provided a statement to the assigned investigators.

Upon their arrival, IAB investigators learned there was an active command post and containment of the crime scene area. Investigators learned of the series of events which culminated in the deputy involved shooting involving Deputies Joshua Short, Marco Magana, and Kevin Hilgendorf. Detective Joseph Espino and Robert Kenny from the Los Angeles County Sheriff's Homicide Bureau arrived and assumed control of the crime

scene. For further information, refer to the Homicide case book, under URN# 014-09912-0334-055 **[Exhibit A].**

On October 29, 2014, at 1240 hours, Deputy Cesar Valiente was working Unit 35 and Deputy Matthew Bengtson was working Unit 35T1 in single deputy units. Deputy Joshua Short and Deputy Robert Lim were working Unit 31 in a two man unit and Deputy Marco Magana and Deputy Daniel Himaka responded to [redacted] in the city of Lawndale regarding a 9-1-1 call of a male shooting a gun in his backyard. Deputies Valiente and Bengtson parked near [redacted] where they contacted Witness [redacted] who was walking along the sidewalk on the south side of 164th Street. As Deputy Valiente spoke to Witness [redacted] he heard radio traffic describing the suspect as a male white, possibly bald, wearing a grey shirt. Deputy Valiente detained Witness [redacted] as he matched the general suspect description. Witness [redacted] was searched for weapons and placed in the back seat of Deputy Bengtson's patrol car pending further investigation.

IAB Note: Deputy Himaka was assigned to PM shift Unit 31 with Deputy Samuel Gomez. Deputy Magana was assigned to PM shift Unit 34 with Deputy Branden Williams. Once emergent radio traffic was broadcast, Deputies Himaka and Magana responded together from South Los Angles Station as their partners had not yet arrived for PM shift which was scheduled to begin at [redacted] hours.

IAB Note: The 9-1-1 call was made by Witness [redacted] who was married to Witness [redacted] and was the [redacted] to Suspect Travis Herr. Witness [redacted] was at home when one of her children saw Suspect Travis Herr armed with a shotgun or rifle and then immediately heard shots fired outside of her home.

As Deputies Valiente and Bengtson continued their investigation, they were contacted by Witness [redacted], who exited from [redacted] Witness [redacted] began to approach Deputy Valiente and was ordered to stop, turn around, and walk backward toward Deputy Valiente with his hands in the air. Witness [redacted] was compliant and walked to the driver's side door of Deputy Valiente's patrol car. As Deputy Valiente conducted a pat-down search for weapons, Suspect Travis Herr fired one round at Deputy Valiente from an unknown location **[Exhibit A, pages 71, 119].**

IAB note: As Witness [redacted] exited from [redacted] he was wearing a grey shirt with a buzzed haircut, matching the general suspect description.

Deputy Valiente dropped to his knees and pulled Witness [redacted] down with him. Witness [redacted] said his wife, Witness [redacted] had called 9-1-1. Unable to verify this information, Deputy Valiente detained Witness [redacted] in the back seat of Deputy Bengtson's patrol car. Deputy Valiente broadcast emergent radio traffic indicating shots

had been fired by an unknown suspect **[Exhibit B].** Deputy Valiente coordinated with responding deputies to evacuate Witness' [redacted] and [redacted] away from the location. Day shift Unit 32, Deputies Ludy Orellana and Anthony Maldonado, arrived on scene and immediately moved Witness' [redacted] and [redacted] away from the area **[Exhibit A, pages 71, 119].**

Detectives Fred Jimenez, [redacted] Josue Torres, Deputy [redacted] and Sergeant John Meehan arrived and took a position east of [redacted] West 164th Street. Several civilian and patrol cars provided cover as Suspect Herr fired several more rounds in an unknown direction. Those deputies were unable to see where the shots were coming from and thus did not return fire.

Deputy Valiente was able to determine the gun fire was coming from [redacted] West 164th [redacted] or [redacted] and seemed to be from various caliber weapons. Due to Suspect Herr firing from inside of his [redacted] it was initially unclear which [redacted] he was in. Deputies Valiente and Bengston took cover behind an SUV which was parked, unoccupied, on the north side of 164th Street as Suspect Herr continued to sporadically shoot from his position of concealment. A rescue team comprised of Deputies Ludy Orellana, Anthony Maldonado, Jerome Dawley and Sergeant [redacted] was formed. Deputies Valiente and Bengston provided cover while the rescue team evacuated Witness [redacted] and her children from [redacted]

Deputies [redacted] Jerome Dawley, Nicholas Adragna, Ludy Orellana, Anthony Maldonado, Kyran Jones, and Detectives [redacted] and [redacted] took a position to the west of [redacted] Together, they formed a Crisis Entry team to make emergent entry into [redacted] West 164th Street if necessary. The Crisis Entry Team remained behind cover for the duration of the incident and did not see any of the events between the involved deputies and Suspect Travis Herr.

A Los Angeles Police Department (LAPD) airship (PD18) arrived overhead and assisted in coordinating containment positions. Shortly thereafter, LASD Air-7, which was piloted by Deputy Erick Bartsch and Tactical Flight Deputy Karen Dearborn, arrived on scene and took over the orbit above the target location from the LAPD airship, which had responded to the initial assistance request. At approximately 1330 hours, Air-7 was relieved by Air-8. Air-8 was piloted by Deputy Sheila Sinclair and Tactical Flight Deputy Jeff Jones **[Exhibit A, pages 89-95].**

IAB Note: On November 19, 2014, a formal request was made to the Los Angeles Police Department for communication records. The request called for the production of the AIR Unit Frequency. No broadcasts were found by the AIR Unit on channels recorded by their Communications Division. **[Exhibit A, pages 251-252]**

At approximately 1310 hours, South Los Angles Station requested the assistance of the Los Angeles County Sheriff's Department, Special Enforcement Bureau (SEB). Deputy

Daniel Leon was the first member of SEB to arrive at the location and assumed tactical control of the active shooter situation. Deputies Ricardo Munoz, Dave Velasquez and Sergeant John Cook of SEB arrived on scene shortly after Deputy Leon.

Two LASD armored vehicles arrived on scene. One vehicle was positioned to the east of [redacted] West 164th Street. The second vehicle was positioned to the west of the location, then eventually positioned directly in front of Suspect Herr's [redacted]. The first armored vehicle contained an arrest team comprised of the following SEB members: Sergeant Russell Boucher, Deputies Kevin Hilgendorf, Daniel Leon, Richard Diliberti, Stephen Longan and Christopher Smelser who was in the turret. The second armored vehicle to arrive was a Med Cat which contained the following SEB members: Deputies [redacted], Michael Wilber, Joseph Palomino, Brice Stella. A third armored vehicle, provided by Gardena Police Department was positioned south of Suspect Herr's [redacted] and contained the following SEB members: Deputies Gonzalo Galvez, David Vasquez, and Garrick Twedt. This armored vehicle was driven by Gardena Police Department Officer [redacted] and Lieutenant [redacted]

IAB Note: The Special Enforcement Bureau Med Cat is an armored vehicle which has been certified as an ambulance and is equipped with advanced life support devices.

The armored vehicle provided by Gardena Police Department was tasked with taking a rear containment position and was not in position when the deputy involved shooting occurred.

Deputies Joshua Short, Robert Lim, Marco Magana, and Daniel Himaka responded to the call for assistance and positioned themselves in the backyard of [redacted] Deputy Himaka was directed to take a containment position on the corner of 163rd Street and Freeman Avenue. While in the backyard, Deputies Short, Lim, and Magana could partially see into the rear yard of Suspect Herr's [redacted] **[Exhibit A, pages 59, 63].** Deputies Short, Lim and Magana took cover behind a large built-in barbecue island located in the middle of the backyard, under a large covered patio **[Exhibit B].**

IAB Note: The fence which separated [redacted] West 164th Street and [redacted] was a chain link fence. The lower portion of the fence was covered by a wood lattice. The upper portion of the fence was covered with a mesh netting **[Exhibit B].**

Deputies Short and Magana deployed their Department issued M-4 rifles and covered the rear of the location. While in the backyard of [redacted] Deputy Magana heard muffled gunshots coming from the inside of Suspect Herr's [redacted] Suspect Herr fired randomly through the windows and doors of his [redacted] Deputy Magana estimated Suspect Herr fired between 15 – 20 rounds while inside of his [redacted] **[Exhibit A, pages 60, 64].**

After several minutes, Deputy Short observed Suspect Herr walking south into the backyard of [redacted] West 164th Street. He and Deputy Magana observed Suspect Herr enter the backyard area of the target location and fire a rifle. Suspect Herr pointed his rifle in the direction of Deputies Short, Lim and Magana and fired two shots. Deputy Magana felt one of the bullets pass by his head. In fear for his life and the lives of Deputies Short and Lim, Deputy Magana fired his M-4 rifle at Suspect Herr. Deputies Short, Lim and Magana were not in a cross fire situation with each other. Deputy Magana's backdrop at the time was the rear portion of Suspect Herr's [redacted]. Suspect Herr continued to walk toward Deputies Short, Lim and Magana's position and fired at them again. Deputy Magana and Deputy Short both fired at Suspect Herr using their M-4 rifles. After firing at Suspect Herr, Deputies Short and Magana lost sight of Suspect Herr. Deputy Lim did not fire because he could not see the suspect **[Exhibit A, pages 61, 65-66].**

Deputies Hilgendorf, Roth, Longan, Leon and Smelser were positioned in the front of [redacted] West 164th Street. Deputy Hilgendorf was positioned behind an armored vehicle and had a view of the walkway on the west side of the residence. Suspect Herr began walking down the walkway of his [redacted] while holding a rifle. Suspect Herr raised his rifle and fired in the direction of Deputies Hilgendorf, Roth, Longan, Leon and Smelser who were positioned in and around the armored vehicle in the front of the [redacted] In fear for his life and the lives of the deputies around him, Deputy Hilgendorf fired his department issued M-4 rifle at Suspect Herr. Suspect Herr was struck by gunfire and collapsed in the walkway **[Exhibit A, Page 69].**

IAB Note: LASD Air-8 was orbiting above the location at the time of the Deputy Involved Shooting. Air-8 advised the ground units of Suspects Herr's whereabouts as he exited the [redacted] holding his rifle.

The Special Enforcement Bureau (SEB) personnel established an arrest team to contact Suspect Herr and provide emergency medical assistance. SEB deputies were able to safely contact Suspect Herr, provide medical assistance and place him under arrest. Suspect Herr was then transported via ambulance to Harbor General Hospital UCLA Medical Center where he was treated for multiple gunshot wounds. SEB Emergency Services Detail Deputy Joseph Palomino accompanied paramedics to the hospital with the suspect. Deputy Robert Maas initiated a Major Incident Log at the crime scene **[Exhibit A, pages 10-16].** Detectives Jose Espino and Robert Kenney from the Los Angeles County Sheriff's Department Homicide Bureau arrived and assumed control of the investigation. For further information regarding this investigation refer to the Homicide case book, under URN# 014-09912-0334-055 **[Exhibit A].**

This is a summary based on statements given during audio recorded interviews with the deputies and witnesses. For complete and detailed statements refer to the digital audio recorded files and the verbatim transcripts, which are included in this investigation.

DISTRICT ATTORNEY'S LETTER OF OPINION

The Justice System Integrity Division of the Los Angeles County District Attorney's Office reviewed the shooting of Travis Christian Herr by Deputies Joshua Short, Marco Magana and Kevin Hilgendorf. In their letter of opinion **[Exhibit C],** dated June 30, 2016, Deputy District Attorney James Garrison concluded Deputies Short, Magana and Hilgendorf acted in lawful self-defense and in lawful defense of another.

INVOLVED PERSONNEL AND WORK HISTORY

Joshua Short, Deputy Sheriff, #[redacted]
Central Patrol Division
South Los Angeles Station

WORK HISTORY

Date of Employment:	June 28, 2006
Date assigned to Patrol/South Los Angeles Station:	August 12, 2012
Date Completed Patrol training:	[redacted]
Prior Shooting Incident(s):	March 25, 2015 SH 2376887
Founded Force Incidents:	[redacted]

Equipment Worn On Person

Deputy Short was wearing a long sleeve Class A uniform with a gun belt. His gun belt contained a holster with his duty weapon, two handcuff cases, three magazine pouches, a radio holder, OC spray, a key holder and an "Asp" baton.

INVOLVED PERSONNEL AND WORK HISTORY

Marco Magana-Gaytan, Deputy Sheriff, #[redacted]
Central Patrol Division
South Los Angeles Station

> **IAB Note:** Deputy Magana is currently assigned to Operation Safe Streets Bureau, Special Operations Division.

WORK HISTORY

Date of Employment:	January 20, 2006
Date assigned to Patrol/South Los Angeles Station:	May 02, 2010
Date Completed Patrol training:	[redacted]
Prior Shooting Incident(s):	
Founded Force Incidents:	

Equipment Worn On Person

Deputy Magana was wearing a long sleeve Class A uniform with a gun belt. His gun belt contained a holster with his duty weapon, two handcuff cases, three magazine pouches, a radio holder, OC spray, a key holder and an "Asp" baton.

INVOLVED PERSONNEL AND WORK HISTORY

Kevin Hilgendorf, Deputy Sheriff, #[redacted]
Special Operations Division
Special Enforcement Bureau

WORK HISTORY

Date of Employment:	November 26, 1990
Date assigned to Special Enforcement Bureau:	May 2, 2010
Prior Shooting Incident(s):	January 1, 2002 SH 2053327
Founded Force Incidents:	[redacted]

Equipment Worn On Person

Deputy Hilgendorf was wearing his standard SEB uniform consisting of green pants and a green shirt. Deputy Hilgendorf wore a tactical Kevlar vest over his uniform shirt which held miscellaneous tactical gear. Deputy Hilgendorf wore a green ballistic helmet. His gun belt contained a drop down style holster with his duty weapon. Deputy Hilgendorf also carried his Department issued Colt Commando rifle which was on a sling around his neck.

SUSPECT INFORMATION

Travis Christian Herr
Male, White, DOB: July 7, 1991, 5'06", 130 pounds
[redacted]
CII #[redacted] MAIN #[redacted] FBI #[redacted]

> **IAB Note:** A copy of Suspect Herr's criminal history is included in the Homicide Investigation Book **[Exhibit A, pages 165-186].**

SUSPECT'S INJURIES

Suspect Travis Herr sustained three gunshots wounds to his upper left chest area, a superficial grazing wound to his right thigh and two gunshot wounds to his left shin area, where his tibia had been broken.

DEPUTY PERSONNEL INJURIES

Deputies were not injured during this incident.

PHYSICAL EVIDENCE

The following personnel assisted in locating, identifying, and recovering the physical evidence at the crime scene: Forensic Identification Specialist Yvette Gonzalez, Ryan Parker, and Robert Webber of the Latent Prints Section; Deputies John Chun and Ron Ducat of the Latent Prints Section; Senior Criminalist Tracy Peck of the Firearms Identification Section; and Detectives Eddie Brown, Antoinette Martinez and Frederick Morse of Homicide Bureau. For descriptions of the evidence collected and where it was located, see the Homicide Investigation Book **[Exhibit A, pages 217-243]**

INVESTIGATOR'S OBSERVATIONS

Approximately three hours transpired from the time of the shooting to IAB Investigators' observations. The scene is described in detail by Homicide Detectives Joe Espino and Robert Kenney **[Exhibit A, pages 51-95].** Their description of the scene was consistent with IAB Investigators observations. The scene was also photographed by the aforementioned Sheriff's Crime Lab personnel.

WEAPON USED BY DEPUTY SHORT

Deputy Short fired one to two rounds of Department issued .223 caliber ammunition from his Department issued AR-15 Semi-Automatic Rifle. Deputy Short told Homicide Investigators when he made his weapon safe, he ejected the live round from the rifle chamber and placed it back inside the magazine. During his interview with Homicide Investigators, the bullets inside of his rifle magazine were unloaded. The magazine contained 27 live rounds. Deputy Short stated his magazine was loaded with 28 live rounds at the time it was deployed. The firearm was examined by Senior Criminalist Amanda Davis of the Scientific Services, Firearms Identification Section and found to be functional **[Exhibit A, page 213].** Twelve fired .223 Remington caliber cartridges each bearing headstamp "Speer 13 223 Rem" and five bearing headstamp "Speer 11 223 Rem" were recovered from the backyard of [redacted] **[Exhibit A, page 240].**

Date last qualified: [redacted]
Date last trained with weapon: [redacted]

WEAPON USED BY DEPUTY MAGANA

Deputy Magana fired ten to eleven rounds of Department issued .223 caliber ammunition from his Department issued AR-15 Semi-Automatic Rifle. During his interview with Homicide Investigators, the bullets inside of his rifle magazine were unloaded. The magazine contained eighteen live rounds. Deputy Magana stated he normally loads his rifle magazine with twenty-eight or twenty-nine. The firearm was examined by Senior Criminalist Amanda Davis of the Scientific Services, Firearms Identification Section and found to be functional **[Exhibit A, page 213].** Twelve fired .223 Remington caliber cartridges each bearing headstamp "Speer 13 223 Rem" and

five bearing headstamp "Speer 11 223 Rem" were recovered from the backyard of [redacted] **[Exhibit A, page 240].**

Date last qualified: [redacted]
Date last trained with weapon: [redacted]

WEAPON USED BY DEPUTY HILGENDORF

Deputy Hilgendorf fired six rounds of Department issued 5.56x45mm caliber ammunition from his Department issued Colt, M4 Commando, select fire automatic carbine. During his interview with Homicide Investigators, Deputy Hilgendorf ejected the live round from his rifles chamber. The bullets inside of his rifle magazine were then unloaded. The magazine contained fifty-three live rounds for a total of fifty-four live rounds. Deputy Hilgendorf stated his magazine had a capacity of sixty rounds. The firearm was examined by Senior Criminalist Manuel Munoz of the Scientific Services, Firearms Identification Section and found to be functional **[Exhibit A, page 213].** Five fired .223 Remington caliber cartridge casings each bearing headstamp "Speer 11 223 Rem" recovered from the eastbound lane of 164th Street, the north sidewalk, and the gutter between the street and north sidewalk **[Exhibit A, page 240].**

Date last qualified: [redacted]
Date last trained with weapon: [redacted]

WEAPONS USED BY SUSPECT HERR

The following firearms were recovered at the scene:

- One Remington model 870, 12 Gauge pump action shotgun
- One Savage 32 Auto caliber, semiautomatic pistol
- One Winchester model 94, 30-30 Winchester caliber lever action rifle
- One Heritage 22 Long Rifle caliber revolver
- One Phoenix model HP22, 22 Long Rifle caliber semiautomatic pistol
- One E.R. Amantino Coachgun, 12 Gauge double-barreled shotgun
- One CGA model SKS 7.62x39mm rifle

IAB NOTE: Of the seven weapons recovered at the scene, three were found in cases. The Winchester model 94, 30-30 Winchester caliber lever action rifle, the Heritage 22 Long Rifle caliber revolver and the Phoenix model HP 22, 22 long rifle caliber semiautomatic pistol.

PROPERTY DAMAGE BY SUSPECT

Los Angeles County Sheriff's Department Criminalist, Tracy Peck, assigned to Scientific Services Bureau assisted with the documentation and collection of the firearms-related

evidence. Extensive bullet-related damage was observed inside of the residence at [redacted] West 164th Street and to the fence along the west property line. The residences located at [redacted] [redacted] and [redacted] all had bullet-related damage. Bullet-related damage was also observed to an LASD SEB armored vehicle and to a Ford E-250 van. For exact locations of the damages refer to **[Exhibit A, pages 231-241]**.

CRIMINAL INVESTIGATORS AND CHARGES FILED

The criminal investigation into the shooting was handled by Detectives Joe Espino and Robert Kenney of the Los Angeles County Sheriff's Department's Homicide Bureau. Deputy District Attorney Geoffrey Lewin filed seven felony charges of Attempted Murder of a Peace Officer, seven felony charges of Machine Gun/Assault Weapon on a Peace Officer, and two felony charges of Shooting at an Inhabited Dwelling **[Exhibit A, pages 195-208]**. Suspect Herr is currently housed at Patton State Hospital awaiting trial.

LIGHTING AND WEATHER CONDITIONS

This shooting incident occurred during the daytime. The weather was clear and warm.

INVOLVED EMPLOYEE STATEMENTS

INVOLVED EMPLOYEE DEPUTY JOSHUA SHORT

Involved **Deputy Joshua Short** was interviewed by Homicide Detectives Joe Espino and Robert Kenney at South Los Angeles Sheriff's Station October 29, 2014, at 1911 hours. The interview was digitally audio recorded. **Refer to Homicide Interview Transcripts** and **[Exhibit A, pages 58-62]** for the Homicide Investigator's summary.

Deputy Joshua Short was interviewed on March 30, 2017, at 1044 hours, by Internal Affairs Bureau Sergeants [redacted] and Anthony Easter. The interview took place at Internal Affairs Bureau and was digitally audio recorded. Deputy Short was represented by Emily Suhr from Green and Shinee. **Refer to Deputy Short's Internal Affairs Bureau Transcripts** which are contained in this case book.

Deputy Short said he and his partner Deputy Robert Lim responded to the location in response to a person with a gun call. While en route the on scene deputies advised the person had started shooting. A unit was asked to take a position to the rear of the location, which he and Deputy Lim did.

After evacuating some homes, Deputies Short and Lim took containment positions behind a built in barbeque in the backyard adjacent to [redacted] West 164th Street. Deputy Magana joined them. During the incident, Deputy Short left the cover of the barbeque and saw Suspect Herr walking toward the backyard. He advised his partners of his observations. Deputy Short saw Suspect Herr shoot in a southernly direction toward Deputies Magana, Lim and himself. Deputy Magana returned fire as Deputy Short returned to the barbeque. Suspect Herr shot again and both Deputies Short and

Magana returned fire. They then lost sight of the suspect and heard over the radio Suspect Herr was down.

INVOLVED EMPLOYEE DEPUTY MARCO MAGANA

Involved **Deputy Marco Magana** was interviewed by Homicide Detectives Joe Espino and Robert Kenney at South Los Angeles Sheriff's Station October 29, 2014, at 2057 hours. The interview was digitally audio recorded. **Refer to Homicide Interview Transcripts** and **[Exhibit A, pages 63-66]** for the Homicide Investigator's summary.

Deputy Marco Magana was interviewed on March 30, 2017, at 1003 hours, by Internal Affairs Bureau Sergeants Michael Maxwell and [redacted] The interview took place at Internal Affairs Bureau and was digitally audio recorded. Deputy Magana was represented by Emily Suhr from Green and Shinee. **Refer to Deputy Magana's Internal Affairs Bureau Transcripts** which are contained in this case book.

Deputy Magana and Deputy Himaka drove to the location together in response to an active shooter assistance request. Upon arrival, Deputy Himaka was directed to 163rd Street and Freeman for traffic control. Deputy Magana joined Deputies Short and Lim in the backyard of [redacted]

Deputies Magana, Short and Lim took cover behind a built in barbeque. Deputy Magana saw Suspect Herr in the backyard with a rifle and believed he and his partners were being shot at. This was because he believed he heard a round whiz past his head. Fearing for his safety and the safety of his partners, he fired at Suspect Herr in an attempt to stop the threat. He then reassessed, heard more shots and shot at Suspect Herr a second time. Deputy Magana then lost sight of Suspect Herr. He then put out radio traffic that they had been involved in a deputy involved shooting.

INVOLVED EMPLOYEE DEPUTY KEVIN HILGENDORF

Involved **Deputy Kevin Hilgendorf** was interviewed by Homicide Detectives Joe Espino and Robert Kenney at South Los Angeles Sheriff's Station October 29, 2014, at 2214 hours. The interview was digitally audio recorded. **Refer to Homicide Interview Transcripts** and **[Exhibit A, pages 66-71]** for the Homicide Investigator's summary.

Deputy Kevin Hilgendorf was interviewed on March 30, 2017, at 1321 hours, by Internal Affairs Bureau Sergeants Michael Maxwell and [redacted] The interview took place at Special Enforcement Bureau and was digitally audio recorded. Deputy Hilgendorf was represented by Emily Suhr from Green and Shinee. **Refer to Deputy Hilgendorf's Internal Affairs Bureau Transcripts** which are contained in this case book.

Deputy Hilgendorf responded to the location after hearing radio traffic of the 417 suspect, now shooting. He coordinated the SEB response to the location. He coordinated the response of the two ARV vehicles from SEB as well. Deputy Hilgendorf heard Suspect Herr shooting sporadically during the entire incident. Once Suspect Herr

fully exited the [redacted] Deputy Hilgendorf watched Suspect Herr walk to the rear of the location and lost sight of him. Suspect Herr then came back into view and raised his rifle toward the ARV. Fearing Suspect Herr was about to shoot at him and his partners, Deputy Hilgendorf shot at Suspect Herr and then lost sight of him.

WITNESS DEPUTY ROBERT LIM

Witness **Deputy Robert Lim** was interviewed by Homicide Detectives Jeff Wesley and Adan Torres at South Los Angeles Sheriff's Station October 29, 2014, at 2325 hours. The interview was digitally audio recorded. **Refer to Homicide Interview Transcripts** and **[Exhibit A, pages 131-133]** for the Homicide Investigator's summary.

Deputy Robert Lim was interviewed on March 30, 2017, at 1005 hours, by Internal Affairs Bureau Sergeants Michael Maxwell and [redacted] The interview took place at internal Affairs Bureau and was digitally audio recorded. Deputy Robert Lim was represented by Emily Suhr from Green and Shinee. **Refer to Deputy Lim's Internal Affairs Bureau transcripts** which are contained in this case book.

Deputy Lim responded to the location with his partner, Deputy Joshua Short. They set up containment positions in the yard adjacent to the backyard of [redacted] West 164th Street. Deputy Lim heard Deputy Short tell them someone was walking toward them. He then heard three to four shots and heard Deputy Short and Deputy Magana return fire.

Deputy Lim did not shoot because he could not see Suspect Herr.

WITNESS DEPUTY GRANT ROTH

Witness **Deputy Grant Roth** was interviewed by Homicide Detective David Gunner and Sergeant Troy Ewing at South Los Angeles Sheriff's Station October 29, 2014, at 1853 hours. The interview was digitally audio recorded. **Refer to Homicide Interview Transcripts** and **[Exhibit A, pages 105-107]** for the Homicide Investigator's summary.

Deputy Roth responded to the location with an ARV after he heard radio traffic of an active shooter in the city of Lawndale. Once he arrived, Deputy Hilgendorf climbed onto the skids of the ARV and Deputy Roth drove to [redacted] West 164th Street. Deputy Roth saw Suspect Herr exit his [redacted] holding a rifle and walk toward the backyard. A short time later, Suspect Herr came back into view and fired his rifle in the direction of the ARV. Deputy Hilgendorf returned fire across the hood of the ARV as Deputy Roth sat in the driver's seat. Suspect Herr fell to the ground and out of view.

SUSPECT STATEMENT

Travis Herr MW/23

Suspect Travis Herr was interviewed on October 31, 2014 at 1515 hours, by Homicide Investigators, Detective Joe Espino and Detective Robert Kenny at Harbor General Hospital UCLA Medical Center. Suspect Herr gave incoherent statements and appeared

to be uncooperative with investigators. **[Exhibit A, page 80]** for Homicide summary of Suspect Herr's interview, **Refer to Homicide Interview Transcripts** which are contained in this case book.

The below listed employee and civilian witnesses were present during the shooting incident and heard shots being fired, but none of them witnessed the deputy involved shooting.

EMPLOYEE WITNESSES

Homicide investigators interviewed the following Department personnel, who were present at the scene: Deputy Cesar Valiente, Deputy Matthew Bengtson, Detective Marcos Escalante, Detective Josue Torres, Deputy [redacted] Deputy Karen Dearborn, Deputy Erick Bartsch, Deputy Sheila Sinclair, Deputy Jeff Jones, Deputy Ricardo Munoz, Deputy Grant Roth, Deputy Daniel Leon, Deputy Russell Boucher, Sergeant Christopher Smelser, Deputy [redacted] Sergeant John Meehan, Detective Richard Kiguelman, Detective Ismael Jimenez, Sergeant [redacted] Sergeant Eric Odenthal, Deputy Joseph Palomino, and Detective Fred Jimenez. The interviews were digitally recorded **[Exhibit B]**. Refer to **[EXHIBIT A, pages 51-133]** for the Homicide summary of the interviews. **Refer to Homicide Interview Transcripts** which are contained in this case book.

CIVILIAN WITNESSES

Homicide investigators interviewed the following Non-Department witnesses: [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] The interviews were digitally recorded **[Exhibit B]**. Refer to **[Exhibit A, pages 81-87, 91, 123-130]** for the Homicide Summary of the interviews. **Refer to Homicide Interview Transcripts** which are contained in this case book.

> **IAB NOTE:** [redacted] and [redacted] the [redacted] of Suspect Travis Herr, where also interviewed by Homicide detectives, but neither where at the scene during or after the shooting.

ADDITIONAL INFORMATION

RADIO TRAFFIC
The below listed audio is contained in Exhibit B on the CD titled radio traffic.
Times listed are number of minutes into each audio file.
WAV 14 09912
00:20 The original call is received regarding the 417 and shots fired by Witness [redacted] (Approximately 1238 hours)
03:56 Gunshot is heard by desk personnel while talking to original informant. (Approximately 1243 hours)
WAV 9
00:15 Call is voiced. (Approximately 1239 hours)
WAV 5
00:15 Less lethal equipment is requested. (Approximately 1242 hours)

WAV 2
13:00 LAPD aero advises of possible crossfire situation on 165th Street. Unit acknowledges and advised they will move. (Approximately 1255 hours)
18:27 Unit asks LAPD aero if they are equipped to conduct call outs. Advised they are but LASD aero is 30 seconds out, suggest waiting for them. (Approximately 1301 hours)
DISPATCH
17:35 LAPD mentions possible crossfire situation to unit on 165th Street. Unit replies "copy that, moving now." Approximately 1255 hours
24:30 Target location is definitely identified. (Approximately 1304 hours)
A-Tac-2
4:04 Units positioned to the rear at [redacted] set up with 2 rifles. (Approximately 1323 hours)
49:30 Suspect is identified as Travis Herr
52:21 998 voiced, "Taking rounds to the rear." (Approximately 1413 hours)